

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EMILY BURRELL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMIE RUTH BURRELL,

Respondent-Appellant.

UNPUBLISHED

June 2, 2005

No. 259808

Ingham Circuit Court

Family Division

LC No. 00-047116-NA

Before: Murphy, P.J., and White and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (j), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, respondent does not challenge the trial court's findings that the statutory grounds were established.¹ Rather, she challenges the trial court's findings with respect to the child's best interests.

The child was removed from respondent at birth and respondent was not permitted to visit with her. Respondent's parental rights were terminated at the initial dispositional hearing. The evidence established that, although respondent had been in treatment for approximately one month at the time of the termination hearing, she had a serious, longstanding addiction to cocaine. At the termination hearing in the present case, respondent admitted using cocaine on a daily basis for many years, including during her pregnancy with Emily. Respondent had previously completed a residential treatment program and maintained sobriety during child protection proceedings involving two older children, but relapsed into cocaine use after her parental rights to the older children were terminated. Respondent failed to complete services aimed at addressing her substance abuse problem during child protection proceedings in Florida

¹ It was undisputed that respondent's parental rights to two older children were previously terminated. MCL 712A.19b(3)(l). Only one ground is necessary to establish sufficient grounds for termination.

regarding still another child, a daughter who was nearly two years old. While the court would have been within its discretion had it determined that the question of the child's best interests required further factual development, it did not clearly err by failing to find, on the whole record, that termination of respondent's parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent also argues that her due process rights were violated because she was unfairly denied access to her child and was not allowed to develop a bond with her child. While respondent correctly asserts that a parent's interest in the custody of her child and in the parent-child relationship is a fundamental right, *In re AH*, 245 Mich App 77, 83; 627 NW2d 33 (2001), she has failed to establish that her due process rights were violated in this case. Petitioner properly took jurisdiction over the child, and respondent's parental rights were properly terminated following a hearing pursuant to the applicable statutes and court rules.

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Michael R. Smolenski